

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID K. DEMERS,

Plaintiff,

v.

ERICA AUSTIN, ERICH LEAR,
WARWICK M. BAYLY, and
FRANCES MCSWEENEY,

Defendants.

NO. CV-09-334-RHW

**ORDER GRANTING THE
PARTIES' STIPULATED
PROTECTIVE ORDER**

Before the Court is the parties' Stipulated Protective Order (Ct. Rec. 52).

Good cause appearing, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Protective Order (Ct. Rec. 52) is **GRANTED**.

2. The records described in the parties' Stipulation, and the employee information contained therein, are subject to the following protective conditions governing their production and use:

a. The annual reviews for tenured faculty in Murrow College for the years 2005, 2006, 2007, 2008 and 2009,¹ and any and all content contained therein, shall be reviewed only by Plaintiff's counsel, Judith Endejan (hereinafter referred to as "plaintiff's counsel");

¹ For a list of the specific faculty members whose annual reviews are subject to this Order please refer to footnote 1 in the parties' Stipulation Regarding Production of Confidential and/or Privileged Faculty Annual Reviews, the contents of which are incorporated by reference herein.

- 1 b. Plaintiff's counsel will respect the confidential and privileged nature
2 of the annual reviews and shall not disclose the reviews or any content
3 contained therein to Plaintiff David Demers, to Plaintiff's experts, to
4 any other attorneys or staff assisting her with this case or to anyone
5 other than herself, unless and until such time as the Court orders
6 otherwise;
- 7 c. Plaintiff's counsel shall not make copies of the annual reviews or any
8 portions thereof and shall return the annual reviews to WSU's counsel
9 after her review is completed or by January 31, 2011, whichever date
10 occurs first.
- 11 d. Should Plaintiff's counsel desire to use the annual reviews, or some
12 portions thereof, for any purpose she shall first seek the Court's
13 permission, after notice and opportunity to respond is provided to
14 Defendants. If she elects to present the annual reviews or some
15 portions thereof to the Court for review, said documents shall be
16 presented to the Court under seal, to protect their confidentiality.
- 17 e. The parties' stipulation regarding the production of the records and
18 information described above does not in any way constitute a waiver
19 of any of WSU's objections regarding the confidential and privileged
20 nature of the annual reviews or the admissibility of this evidence at
21 trial; and
- 22 f. WSU shall provide copies of the annual reviews for tenured faculty in
23 the Murrow College for the years 2005, 2006, 2007, 2008 and 2009 to
24 Plaintiff's counsel, forthwith.

25 It is further ordered that this Protective Order shall remain in full force and
26 effect until such time as this Court modifies its terms or releases the parties from
27 its provision.

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IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward copies to counsel.

DATED this 30th day of December, 2010.

s/Robert H. Whaley
ROBERT H. WHALEY
United States District Judge

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